IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1038 (S/S) of 2006

Sunil Chandra Gupta,
Son of Sri Nathi Mal Gupta,
Presently posted as Pharmacist,
Community Health Centre, Jaspur,
District – Udham Singh Nagar. **…..Petitioner**

V e r s u s

1. State of U.P. through its Secretary, Medical and Health, Uttaranchal Government, Dehradun.
2. Director, Medical Health and Family Planning, Uttaranchal Government, Dehradun.
3. Chief Medical Officer, Udham Singh Nagar, Rudrapur.
4. Medical Superintendent, Community Health Centre, Jaspur, Udham Singh Nagar.

…..Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.K. Mandal, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliers:

(a) issue a writ, order or direction in the nature of Certiorari, quashing the order dated 10.07.2006 passed by the respondent no. 3.

(b) issue a writ or direction in the nature of Mandamus directing and commanding the respondents not to interfere in the peaceful working of the petitioner as Pharmacist an Community Health Centre, Jaspur, District – Udham Singh Nagar.

(c) issue a suitable writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case.

(d) award the cost of the writ petition.

Vide order dated 10.07.2006 Chief Medical Officer, Udham Singh Nagar the petitioner is placed under suspension contemplated departmental inquiry. The petitioner is working as Pharmacist in Community Health Centre, Jaspur, District – Udham Singh Nagar.

The submission of learned counsel for the petitioner is that neither there is any inquiry nor any chargesheet is pending against the petitioner, as such, the suspension order is illegal.

Suspension order is in contemplation of departmental proceedings. Impugned order itself speaks about the appointment of Inquiry Officer. In the case of the petitioner, Dr. Rakesh Sinha, Deputy Chief Medical Officer, has been appointed as Inquiry Officer. It is also mentioned in the impugned order that Inquiry Officer shall serve the chargesheet upon the petitioner within fifteen days.

I do not find any infirmity in the impugned order dated 10.07.2006 passed by Chief Medical Officer, Udham Singh Nagar, Respondents are directed to complete the inquiry and pass final order within a period of three months from the date of production of certified copy of this order, provided the petitioner cooperates with inquiry.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 1, 2006
SKSharma